

Minute Entry
Lisi, C.J.
June 19, 2008

**United States District Court
District of Rhode Island**

In Re: Kugel Mesh Hernia Products Liability Litigation
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML
All Cases

The monthly status conference was held on June 17, 2008. The conference was an open session. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 1109).

Status of Document Production

Defense counsel informed the Court that their discovery vendor is still on target to finish processing documents by the end of June. The discovery vendor has processed approximately 2,500,000 documents with additional documents to be processed. The number of documents actually produced will be less than the total documents processed as the documents produced will only be those documents that have "hits" based on search terms and that are relevant. Defense counsel explained that they will be producing approximately 75,000 to 100,000 documents on a monthly basis. Defense counsel estimated that they would complete document review in January 2009. Plaintiffs' counsel informed the Court that it was not satisfied with Defense counsel's estimate of a January 2009 completion date for document review. The Court instructed the parties to discuss the matter and that the subject would be placed on next month's agenda. The Court urged counsel to attempt to develop a plan that will address the needs of Plaintiffs' counsel.

Ex Parte Contact with Plaintiffs' Treating Physicians

Defense counsel have filed a motion for clarification of the Court's previous order addressing ex parte contact with Plaintiffs' treating physicians. Plaintiffs' counsel will respond to Defense counsel's motion on or before June 20, 2008. Defense counsel will reply on or before June 25, 2008. The parties will inform Magistrate Judge Almond whether they desire oral argument on the motion. There are no depositions scheduled to take place before the July meeting, however, in the interim, Defense counsel are not to communicate on an ex parte basis with consulting expert(s).

Early Neutral Evaluation/Settlement Cases – Update

Magistrate Judge Lovegreen has held evaluation/settlement conferences in 6 of the 10 early neutral evaluation/settlement cases. Of the 6 conferences already held no conference has resulted in a settlement. The scheduled conferences for the 4 remaining cases will proceed. For the next monthly meeting, Plaintiffs' counsel will identify 10 additional cases for discussion regarding possible early neutral evaluation/settlement. Plaintiffs' counsel is to identify each case by referring to the specific patch and the alleged defect. The parties are to meet and confer before the July monthly meeting in an attempt to identify those 10 additional cases. Plaintiffs' counsel are also to forward to Defense counsel a list of those cases that Plaintiffs' counsel believe are ring break cases.

Court Excusal Request – Attorney David Morowitz

The Court's calendar clerk will forward the parties a copy of Mr. Morowitz's excusal request.

Attorneys Participating in Depositions

Plaintiffs' counsel to forward the Court a list of the names of the attorneys that may be appearing on behalf of Plaintiffs at depositions. Plaintiffs' counsel will update the deposition coverage listing regularly.

Pending Motions Update

Two motions are ripe for decision. Oral argument on Defense counsel's motion to dismiss count IV of the first amended consolidated class action complaint and Defense counsel's motion to show cause in regard to Plaintiffs' fact sheets will be scheduled for July 15, 2008.

Next Meeting

July 15, 2008, at 1:00 p.m. in Room 307 in the United States District Courthouse, Providence, Rhode Island.